

## Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 DPW-01 IO-13 EUR-25 CIAE-00 DODE-00

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FM AMEMBASSY SAIGON

TO SECSTATE WASHDC PRIORITY 7346

INFO USDEL JEC PARIS

C O N F I D E N T I A L SAIGON 16811

REF: A) SAIGON 16752 B) SAIGON 16754

1. IN A CONVERSATION SEPTEMBER 21 WITH AN EMBASSY OFFICER  
SENATOR VU VAN MAU OFFERED THE COMMENTS BELOW ON THE CASE OF  
MRS. NGO BA THANH, WHOSE PROVISIONAL RELEASE BY THE THIRD MIL-  
ITARY REGION COURT WAS ANNOUNCED BY THE GVN SEPTEMBER 20. (  
SEE REF A SENATOR MAU IS MRS THANH'S ATTORNEY.

2. MAU SAID HE HAD TALKED EARLIER SEPT 21 WITH MRS THANH'S  
HUSBAND WHO HAD INFORMED HIM THAT COUNTRARY TO THE GVN ANNOUNCE  
MENT THE COURT HAD NOT YET DECLARED THE RELEASE OF HIS WIFE.  
HOWEVER, SEVERAL DAYS AGO THE COURT PROSECUTOR HAS ASKED MR THANH  
TO FILE AN APPLICATION FOR HER RELEASE WHICH HE DID SEPT 19.  
AT THE PROSECUTOR'S REQUEST, THE APPLICATION OMITTED LEGAL  
ARGUMENTS. HTHIS PLUS THE GVN ANNOUNCEMENT MADE MAU HOPEFUL THAT  
HER RELEASE WILL COME IN A DAY OR SO.

MRS THANH'S STATUS WILL BE WHAT FRENCH JURISPRUDENCE TERMS  
"LIBERTE PROVISOIRE", MAU SAID WHICH MEANS SHE REMAINS SUBJECT  
TO TRIAL BUT AT NO SPECIFIED DATE. NO BAIL BOND IN THE AMERICAN  
SENSE IS INVOLVED. SHE ENJOYS FREEDOM OF MOVEMENT IN SOUTH  
VIETNAM BUT TRAVEL ABROAD WOULD DEPEND ON A PASSPORT AND AN  
EXIT PERMIT FROM THE EXECUTIVE AS WITH OTHER VIETNAMESE  
CITIZENS. (COMMENT: SEE REF B FOR HOANG DU NHA'S COMMENT TO  
CHARGE SEP 21 RE MADAME THANJ#S STATUS. NHA SAID HTERE IS NO GVN  
INTENTION TO PROSECUTE HER AND THERE WILL BE NO LEGAL BAR TO HER  
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TRAVELING ABROAD.)

3. MAU NOTED THAT THE SUPREME COURT HAD NOT YET ACTED ON HIS LONG PENDING APPEAL FOR MRS THANJS UNCONDITIONAL RELEASE AND APPEAL BASED ON THE DELAY IN HER 1972 MILITARY COURT TRIAL. (SHE WAS ARRESTED IN SEPT 1971 AND APPEARED IN COURT IN MARCH 1972. MAU CONTENDS THAT THE PERMISSIBLE TIME SPAN AFTER ARREST IS AT MOST TWO MONTHS.) HE COMMENTED THAT THE SUPREME COURT WAS "EMBARASSED" BY THE APPEAL NOT ONLY BECAUSE OF THE "POLITICAL" NATURE OF THE CASE BUT ALSO BECAUSE "HUNDREDS" OF OTHER CASES INVOLVE THE SAME PROCEDURAL FLAW. MAU MADE IT CLEAR HE WOULD PRESS THIS ARGUMENT SHOULD MRS THANH BE BROUGHT TO TRIAL.

4. ACCORDING TO MAU WHO SAW MRS THANH ABOUT TEN DAYS EARLIER, SHE IS MAINTAINING A MODIFIED HUNGER STRIKE GETTING NOURISHMENT SOLELY FROM WHAT HE CALLED "SOYBEAN MILK", HER HEALTH IS SOMEWHAT IMPROVED BUT SHE IS STILL WEAK HE SAID. APPLING

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